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REMARKS

Claims 2, 9 and 10 were rejected under 35 USC 112, first paragraph. The Examiner asserts that the claim 2 limitation of resetting the power level to the first power limitation is not taught in the specification, and that, contrary to this limitation, FIG. 6 and the text on page 2 of the "current amendment" (presumably, the amendment filed on 2/21/06) requires adjusting the power. Applicant respectfully traverse.

To begin, the examiner's reference to FIG. 6 is probably in error because FIG. 6 is a block diagram. It is believed that the Examiner meant to cite FIG. 7, which is a flow chart, and the following addresses FIG. 7. Analyzing the FIG. 7 flow chart relative to the issue at hand, and keeping in mind that the instant invention concerns itself with blocks that contain frames, one can observe that when all frames of a block are successfully received (decision step 650) control returns from step 650 to step 610, and the power is at a minimum (as taught by the specification), with the FER set to FER_{MAX} . This satisfactory situation continues until a block is sent where at least one of the frames is *not* received successfully. In such an event, the FER is decreased in step 670, with a corresponding adjustment (increase) in transmit power, as observed by the Examiner, and another test is performed to determine whether the entire block was received successfully. If not, the power FER is decreased further, the corresponding transmit power is increased further, and the loop (615, 620, 630, 640, 650, 660, 670, 680, 690) repeats. When, however, the entire block is received successfully, step 650 passes control to step 610, which sets the FER to its maximum, and the corresponding transmit power to its minimum, P_{MIN} .

It is noted that this mode of operation comports with the statement in the "Summary of the Invention" section of the specification which states (page 1, line 30 et seq.)

The cycle repeats until all RLC frames in a particular transmission cycle are successfully transmitted and a new block of RLC frames are subsequently transmitted at the predetermined first targeted FER.

In light of the above, it is respectfully submitted that the limitation of claim 2, which states that when said step of determining concludes that said step of transmitting succeeded to transmit a **block** correctly, a step of "resetting the power level to said first power level" is carried out is fully supported by the specification.

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No remarks are provided by the Examiner relative to claims 9 and 10, so it is assumed that they were rejected (under 35 USC 112, first paragraph) because of their dependence on claim 2. In view of the above demonstration that claim 2 is fully supported by the specification, it is respectfully submitted that the rejection of claims 9 and 10 has been overcome.

Claims 11 and 12 were rejected under 35 USC 103 as being unpatentable over Sarkar, US Patent Application Publication 2002/0167907.

In the previous Office action applicant explained that Sarkar deals with individual frames and not with blocks of frames. In reply, the Examiner asserted that the wording of claim 11 allows blocks to consist of one frame. Claim 11 is amended herein to explicitly require blocks to have more than one frame. This overcomes the rejection to claims 11 and 12 (which depends on claim 11). Lest the Examiner wonders whether this amendment requires another search and, therefore, should not be admitted because the current Office action is FINAL, applicant hastens to observe that claim 1, for example, speaks of blocks having pluralities of frames and, therefore, a search for art that employs blocks with pluralities of frames has already been performed. Indeed the Examiner asserts that the Vanghi reference (discussed below) has blocks of frames.

Claims 1, 2, 11, and 13 were rejected under 35 USC 103 as being unpatentable over Vanghi, US Patent 6,711,150 in view of Malkamaki, US Patent 5,563,895. Applicant respectfully traverses.

The Vanghi reference deals with messages. These messages are of different lengths, and in the Vanghi reference these messages are divided into frames. Clearly, therefore, Vanghi deals with collections of frames. However, unlike the blocks of applicant's claims that have a fixed number of frames, the collections are of different numbers of frames. This is a first difference, and applicant respectfully disagrees with the Examiner's assertion that Vanghi teaches blocks of frames.

Second, and independent of the above, Vanghi is concerned with the transmission of a message (regardless of the number of frames that the message contains) – and not just the transmission of information. When one or more frames of a message are not received properly, those frames are retransmitted. The retransmission is shorter than the initial transmission, of course, if one assumes that some frames were transmitted

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successfully, because the retransmission does not include frames that had been properly received. The transmit power control is set based on the length of the retransmission, i.e., the number of message frames that are retransmitted. This is a fundamental feature of the Vanghi teachings that finds no correspondence in the instant claims.

The Examiner admits that Vanghi does not teach generating a frame block combining the j incorrectly transmitted frames with subsequent incoming signal frames, but asserts that Malkamaki teaches this limitation, and that it would have been obvious to

add the generating frame block combining the j incorrectly transmitted frames with subsequent incoming signal frames of Malkamaki to the system of Vanghi.

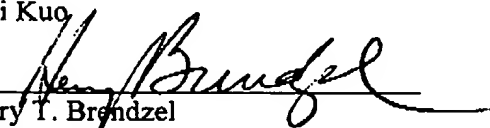
Applicant respectfully disagrees, and asserts that no skilled artisan would even consider forming the combination suggested by the Examiner. First, the Examiner's suggestion is not workable because it totally destroys the notion that the transmission is that of a message, which is basic to the Vanghi teachings. One would not import into Vanghi that which is totally incompatible with Vanghi. Second, the Examiner's suggestion totally disables the power control scheme of the Vanghi teachings, where the transmission power is a function of the length of the message – which in Vanghi the retransmitted message continually diminishes as more and more frames are received successfully. Applicant respectfully submits, therefore, that claim 1 is not obvious in view of Vanghi and Malkamaki combination of references.

The above reasoning applies to independent claims 11 and 13 and, of course, to all of the dependent claims.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

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Respectfully,
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